

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

JOE LEE FULGHAM,

Plaintiff,

v.

ACTION NO. 2:20cv637

UNKNOWN,

Defendant.

**FINAL ORDER**

This closed case is before the Court to address Plaintiff's Motion for Jury Trial, ECF No. 30.

**A. Relevant Background and Procedural History**

By Order entered on January 10, 2022, the Court ordered Plaintiff to file a Second Amended Complaint that complied with the instructions set forth in the January 10, 2022 Order within twenty-one days. Order at 2, ECF No. 13. The Court advised Plaintiff that if he failed to comply with the terms of the January 10, 2022 Order, the Court would dismiss this action without prejudice. *Id.* at 3 (citing Fed. R. Civ. P. 41(b)).

Plaintiff failed to submit a Second Amended Complaint in accordance with the January 10, 2022 Order. Accordingly, by Dismissal Order entered on February 18, 2022, the Court dismissed this action without prejudice. Dismissal Order at 2, ECF No. 16. Thereafter, Plaintiff filed a Notice of Appeal, ECF No. 28. Plaintiff also filed

a Motion for Jury Trial, ECF No. 30. As a result of the appeal, the Court did not take any action on Plaintiff's Motion for Jury Trial.

The United States Court of Appeals for the Fourth Circuit affirmed the February 18, 2022 Dismissal Order on July 26, 2022, and issued its mandate on August 17, 2022. *Fulgham v. Unknown*, No. 22-6246, 2022 WL 2951782, at \*1 (4th Cir. July 26, 2022); Mandate, ECF No. 36. With Plaintiff's appeal fully resolved, the Court may now proceed to address Plaintiff's Motion for Jury Trial.

**B. Motion for Jury Trial**

Plaintiff's Motion for Jury Trial is dated February 28, 2022, and was received by the Court on March 3, 2022. Mot. Jury Trial at 1. As noted above, this action was dismissed without prejudice on February 18, 2022. Plaintiff's Motion is therefore untimely and improper. Accordingly, Plaintiff's Motion for Jury Trial, ECF No. 30, is **DENIED**.

**C. Conclusion**

For the foregoing reasons, Plaintiff's Motion for Jury Trial, ECF No. 30, is **DENIED**. Plaintiff is ADVISED that this action is closed. The Court will not respond to further motions in this action. Therefore, if Plaintiff submits any further filings in this action, other than a notice of appeal, the Clerk is **DIRECTED** to docket any such filing as a submission, and the Court will take no further action on the matter.

Plaintiff may appeal from this Final Order by forwarding a written notice of appeal to the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by

the Clerk within thirty days of the date of entry of this Final Order. If Plaintiff wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* shall be submitted to the Clerk of the United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **DIRECTED** to send a copy of this Final Order to Plaintiff Joe Lee Fulgham.

**IT IS SO ORDERED.**

Norfolk, Virginia  
September 12, 2022

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/s/  
Arenda L. Wright Allen  
United States District Judge